

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 7 has been amended for clarity.

Applicant believes that the above changes answer the Examiner's 35 U.S.C. 101 rejection of claim 7, and respectfully requests withdrawal thereof.

The Examiner has rejected claims 1, 3, 4, 6-8 and 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,317,882 to Bobbins in view of U.S. 6,226,444 to Goldschmidt Iki et al. and U.S. Patent 6,698,020 to Zigmond et al. The Examiner has further rejected claims 2 and 5 under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Goldschmidt Iki et al. and Zigmond et al., and further in view of U.S. Patent 6,658,231 to Nakatsuyama. In addition, the Examiner has rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Goldschmidt Iki et al. and Zigmond et al., and further in view of U.S. Patent 6,535,717 to Matsushima et al.

The Robbins patent discloses a system and method for automatically reminding a user of a receiver that a broadcast is on a data stream, in which ID codes are transmitted along with a television broadcast stream. These ID codes are detected and stored at the receiver. The ID codes may be used to identify a television program which includes a corresponding ID code, or the ID codes may

be used to set up a receiver for recording a particular television program. Each television program includes an ID code corresponding to one of the ID codes stored at the receiver. In the case of automatic tuning the a particular program identified by one of the stored ID codes, the Robbins system scans the incoming broadcast stream to find the particular television program having an ID code corresponding to the identified ID code. When such a particular television program is found, the Robbins system automatically tunes to the particular television program.

The Goldschmidt Iki et al. patent discloses a method and apparatus for recording program data without commercials, in which a "broadcast data analyzer 330 monitors the broadcast data for commercial indicators and program indicators. Commercial indicators indicate that a commercial is broadcasted or will be broadcasted on the broadcast data. A commercial indicator may be, for example, a message in the vertical blanking interval (VBI) of analog broadcast data stating that a commercial will be broadcasted on the broadcast data, a fade to black, or an increase in the volume signal. Program indicators indicate that a program is broadcasted or will be broadcasted on the broadcast data. A program indicator may be, for example, a message in the VBI of analog broadcast data stating that a program will be broadcasted on the broadcast data, a fade to black after a commercial, or a decrease in the volume signal. From the commercial indicators and program indicators, the broadcast

data analyzer 330 makes a determination as to which broadcast data is a commercial and which broadcast data is program data."

The Zigmond patent discloses techniques for intelligent video ad insertion, in which advertising, stored locally or retrieved from an outside source, at an appropriate time specified by encoded data in applied video programming, or by the structure of the video programming, is alternatively displayed as opposed to the video programming.

The subject invention pertains to identifying data as multiple-use and single-use data and for adding a data descriptor to each of the identified multiple-use data. The data stream, including single-use data and multiple-use data with data descriptors is the transmitted. At a receiver, the receiver scans the incoming data stream for the data descriptors. At each occurrence, the receiver stores the data descriptors as well as the corresponding multiple-use data. The receiver then composes a content for an application using the stored multiple-use data and the single-use data.

In particular, as claimed in, for example, claim 1, the transmitter of the subject invention includes "analysis means for analyzing digital data so as to identify data referred to as multiple-use data which can be used several times at the receiver end, and data referred to as single-use data which can be used only once upon reception at the receiver end", "creation means for

creating data descriptors for describing each multiple-use data previously identified, said descriptors comprising a set of characterizing fields", and "insertion means for inserting the data descriptors in the set of multiple-use data, each multiple-use data being then associated with a data descriptor". Furthermore, the receiver of the subject invention includes "analysis means for analyzing received data so as to detect the presence of descriptors of multiple-use data and thus to identify multiple-use data and single-use data", "storage means for storing detected multiple-use data and their associated descriptors previously received", "recovery means for recovering multiple-use data previously stored" and "composition means for composing the contents of an application on the basis of single-use data and multiple-use data previously stored, a same data which has a multiple use in the composition of said contents being then directly recovered upon each use from said storage means by said recovery means".

Applicant submits that Robbins neither shows nor suggests the "first analysis means", the "creation means" nor the "insertion means" as described above and claimed. Rather, Robbins merely includes a data stream of ID codes, and adds ID codes to each of the transmitted television programs. Further, these ID codes merely identify the respective transmitted television programs. There is no disclosure or suggestion that the ID codes indicate that the accompanying data can be used multiple times.

Further, while Robbins discloses that at the receiver, the data stream of ID codes may be stored, Robbins neither discloses or suggests that the data stream, including single-use data and the combinations of multiple-use data and data descriptors, should be scanned to find the data descriptors and that these data descriptors as well as the accompanying multiple-use data should be stored, and that the stored multiple-use data should be recovered from storage to be combined with single-use data in the composition means.

Applicant acknowledges that Robbins suggests that the television programs may eventually be recorded. However, Applicant submits that recording a television program using, for example, a VCR, is significantly different from storing multiple-use data and then retrieving this multiple-use data so as to combine it with single-use data.

The Examiner is now attempting to use Goldschmidt Iki et al. to supply the missing first analysis means.

As noted in MPEP 2143.01 "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." Further, "The prior art can be modified or combined to reject claims as

prima facie obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)."

Applicant submits that there is no incentive in either Robbins or Goldschmidt Iki et al. that would lead one to combine the teachings therein. First, while Goldschmidt Iki et al. might be a desirable feature at the receiver of Robbins, the Examiner is suggesting its use at the transmitter as disclosing the first analysis means of the subject invention. Detecting between commercials at the transmitter would not make any sense since the broadcaster already knows where the commercials are.

Applicant further submits, however, the broadcast data analyzer of Goldschmidt Iki et al. would merely indicate the start of commercials and the start of programs. There is no disclosure or suggestion in Goldschmidt Iki et al. that the broadcast data analyzer would be able to identify data for which multiple use is authorized at the receiver.

The Examiner also now uses Zigmond et al. to show the insertion of different video content stored locally into a video program.

Again, Applicant submits that there is no incentive in either Robbins or Zigmond et al. for combining the teachings of these patents. In particular, Robbins uses ID data accompanying a television program to alert a user of the Robbins system that a

desired television program is being broadcast to allow the user to either view the desired television program or to record the desired television program for later viewing. Zigmond et al. inserts stored programming (e.g., commercials) into a broadcast video stream. If anything, a user of the Robbins system would not want additional advertising inserted into the resultant video stream to be viewed or recorded.

Furthermore, as noted in Zigmond et al. in Fig. 5, a video switch 90 is used to insert the advertisements. Hence, the user of the Zigmond et al. is presenting either the video stream content or the advertisements. Applicant submits that this is distinct from the claimed composition means which composes "contents of an application on the basis of single-use data and multiple-use data previously stored, a same data which has a multiple use in the composition of said contents being then directly recovered upon each use from said storage means by said recovery means".

The Nakatsuyama patent discloses a receiver for user-demand information and entertainment system using wide area digital broadcast, which receives user-demand information on a digital broadcast, where real-time updates on programs may be stored, an in which a time stamp field receives programs at specific times, and when the receiver's memory is full, overwrites the old programs.

First, Applicant submits that Nakatsuyama does not update "descriptors and multiple-use data previously received and stored".

Rather, Nakatsuyama merely receives and stores "real time updates including programs such as new, financial information (e.g., stock prices), or personal programs" and if the memory is full it overwrites the old programs.

Second, Applicant submits that Nakatsuyama does not supply that which is missing from Robbins, Goldschmidt Iki et al. and Zigmond et al., i.e., at the transmitter identifying data as multiple-use and single-use data and for adding a data descriptor to each of the identified multiple-use data, transmitting the data stream, including single-use data and multiple-use data with data descriptors, and at a receiver, scanning the incoming data stream for the data descriptors, at each occurrence of a data descriptor, storing the data descriptors as well as the corresponding multiple-use data, recovering the stored multiple-use data, and composing a content for an application using the recovered stored multiple-use data and the received single-use data.

The Matsushima et al. patent discloses a method, system and apparatus for transmitting, receiving and reproducing a digital broadcast signal, in which encoding is performed by means of MPEG-4.

However, Applicant submits that Matsushima et al. does not supply that which is missing from Robbins, Ezaki et al. and Vishlitzky, i.e., at the transmitter identifying data as multiple-use and single-use data and for adding a data descriptor to each of

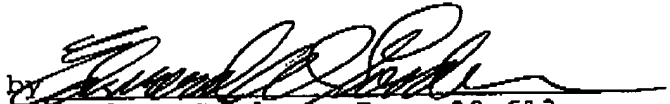


the identified multiple-use data, transmitting the data stream, including single-use data and multiple-use data with data descriptors, and at a receiver, scanning the incoming data stream for the data descriptors, at each occurrence of a data descriptor, storing the data descriptors as well as the corresponding multiple-use data, recovering the stored multiple-use data, and composing a content for an application using the recovered stored multiple-use data and the received single-use data.

In view of the above, Applicant believes that the subject invention, as claimed, is not rendered obvious by the prior art, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-6 and 8-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611